

Greenbrier County Commission



Lowell Rose, President
Michael F. McClung, Commissioner
Tammy Tincher, Commissioner

300802

ENTERED
Office of Proceedings
June 26, 2020
Part of
Public Record

June 23, 2020

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—Abandonment
Exemption—in Greenbrier and Fayette Counties, W. Va.**

Dear Ms. Brown:

The Greenbrier County Commission and the Fayette County Commission (the "Counties"), both county government entities, request the issuance of a Public Use Condition and a Notice of Interim Trail Use for the 6.39-mile rail line between milepost CAF 20.61 and milepost 27.0, near Rainelle in Greenbrier and Fayette Counties, W. Va. (the "Line"), which is owned and operated by CSX Transportation, Inc. ("CSXT").

The Counties respectfully request that the Surface Transportation Board (the "Board") waive the filing fee for this trail use request by these local government entities as provided in 49 CFR 1102.2(e)(1).

A. Request for Public Use Condition.

The Counties request the Board to find that the Line is suitable for other public use, specifically trail use, and to impose the following condition on the Line.

An order prohibiting CSXT from disposing of the Line, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. Justification for this condition is that the Line is along a scenic waterway and the corridor would make an excellent recreational trail and conversion of the Line to trail use is in accordance with local plans. In addition, the Line provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The Counties request a 180-day period from the effective date of the abandonment exemption. The Counties need this time to assemble and review title information, complete a trail plan, and negotiate with CSXT.

FILING FEE WAIVED

Ms. Cynthia T. Brown
June 23, 2020
Page 2

B. Request for Notice of Interim Trail Use.

The Line is suitable for railbanking. In addition to the public use condition, the Counties request the Board to issue a Notice of Interim Trail Use.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

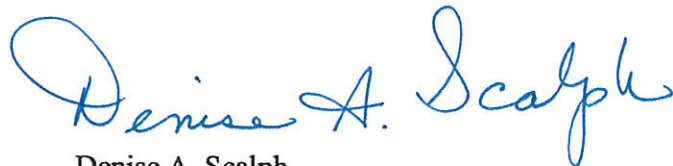
In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation, Inc., the Greenbrier County Commission and the Fayette County Commission are willing to assume full responsibility for: (1) managing the right-of-way, (2) indemnifying the railroad against any potential liability, and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property, known as the Northeast Region, Southern Zone, New River Subdivision, Sewell Branch, extends from railroad milepost CAF 20.61 to milepost 27.0, near Rainelle in Greenbrier and Fayette Counties, W. Va. The right-of-way is a line of railroad proposed for abandonment in Docket No. STB AB 55 (Sub-No. 801X). A map of the property depicting the right-of-way is attached. The Greenbrier County Commission and the Fayette County Commission acknowledge that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSX Transportation, Inc. on the same date it is being served on the Board.

This letter is being efiled. Thank you for your assistance. If you have any questions, please contact me.

Respectfully submitted,

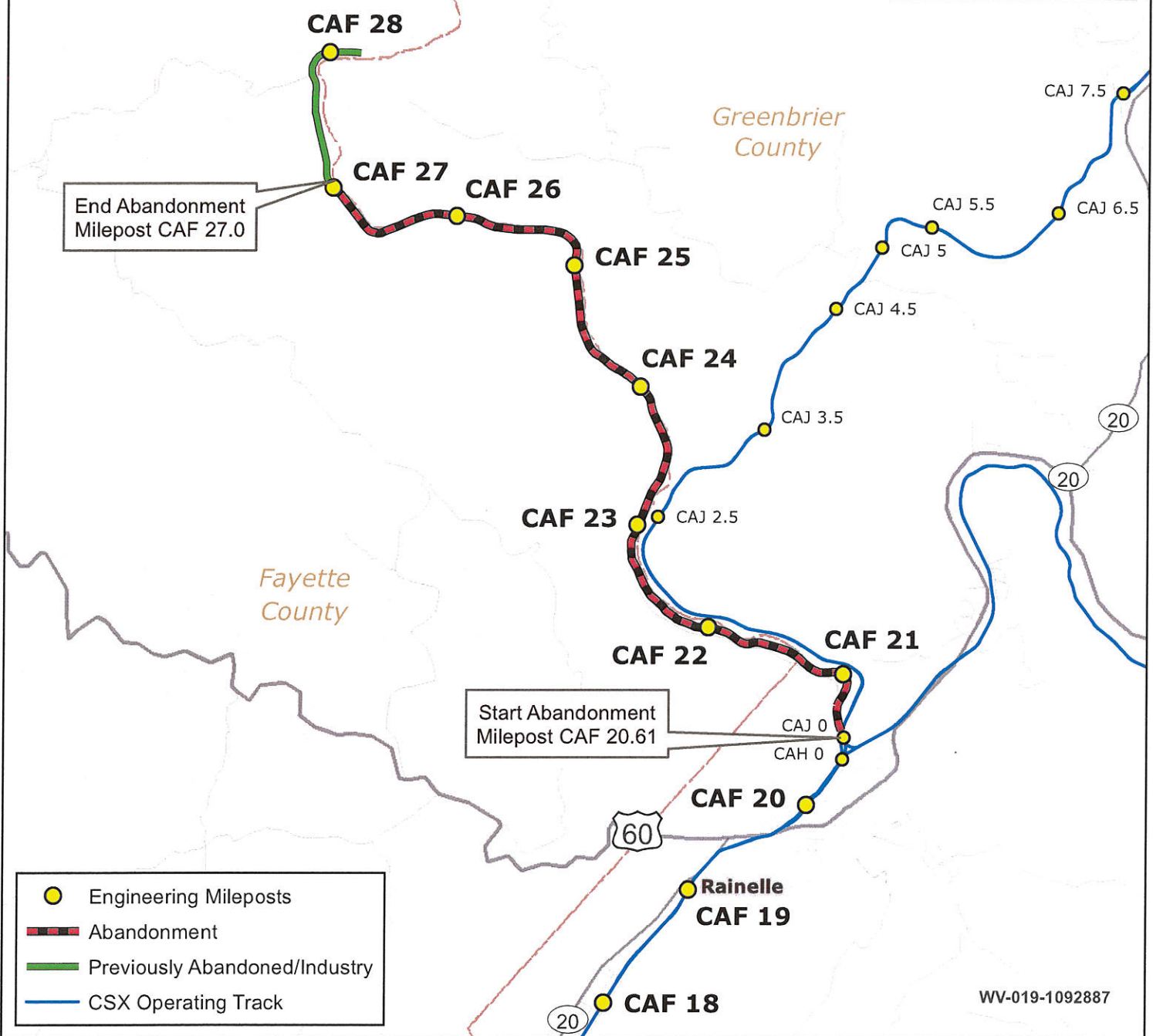


Lowell C. Rose
President
Greenbrier County Commission



Denise A. Scalph
President
Fayette County Commission

Attachment - Map



- Engineering Mileposts
- Abandonment
- Previously Abandoned/Industry
- CSX Operating Track



**CSX Transportation, Inc.
Proposed Abandonment
Sewell Branch**

Milepost CAF 20.61 to CAF 27.0
Total Distance of Approx. 6.39 Miles
Greenbrier & Fayette Counties, WV
Northeast Region - Southern Zone - New River Subdivision
STB Docket No. AB 55 (Sub-No.801X)

